

PATENT

**IN THE UNITED STATES PATENT & TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS & INTERFERENCES**

Applicant:	BINZEL ET AL.)	
)	Examiner N. Vo
Appl. No.	10/637,124)	
)	Art Unit 2618
Confirm. No.	3836)	
)	Atty. Docket No. CS21165RL
Filed:	8 August 2003)	
Title:	"Incoming Message Decoding in Wireless Communications Devices And Methods Therefor"		

APPEAL BRIEF UNDER 37 CFR § 41.37(c)

Assistant Commissioner for Patents
Alexandria, Virginia 22313

Sir:

Real Party In Interest

The real party in interest is Motorola Inc., by virtue of an assignment duly executed by the named inventor(s) and recorded in the Patent Office.

Related Appeals & Interferences

There are no related appeals or interferences.

Status of Claims

Claims 1 and 3-23 are pending. Claim 2 has been canceled.

Claim 3-18 stand allowed.

Claims 19-23 stand finally rejected in an Office action mailed on 12 September 2008, are the subject of the instant appeal, and are reproduced below in the Claims Appendix.

Status of Amendments

The Claims have not been amended subsequent to the mailing of the final Office Action on 12 September 2008.

Summary of Claimed Subject Matter

Claim 19 is drawn to a mobile wireless communication device capable of receiving an incoming message transmitted in a series of portions over successive intervals [00012-13], comprising a controller coupled to the receiver wherein the controller is configured to cause the receiver to receive portions of an incoming message in at least two successive intervals without receiving a portion of the incoming message in a first of the successive intervals [00032-33], and wherein the controller is configured to decode the portions of the incoming message received [00034-35].

Grounds of Rejection for Review on Appeal

Whether Claims 19-23 are patentable over U.S. Patent No. 5,570,369 (Jokinen) under 35 U.S.C. 102(b).

Arguments re: Jokinen

Rejection Summary

Claims 19-23 stand rejected under 35 U.S.C. 102(b) for alleged anticipation by U.S. Patent No. 5,570,369 (Jokinen).

Discussion of Claim 19

Regarding Claim 19, Jokinen fails to disclose a

... mobile wireless communication device capable of receiving an incoming message transmitted in a series of portions over successive intervals, comprising:

 a receiver;
 a controller coupled to the receiver,
 the controller configured to cause the receiver to receive portions of an incoming message in at least two successive intervals without receiving a portion of the incoming message in a first of the successive intervals;
 the controller configured to decode the portions of the incoming message received.

At col. 6, lines 28-31, Jokinen discloses receiving only 2 or 3 of 4 time slots and attempting to reconstruct a message from bits in the received time slots. If the message cannot be re-constructed, Jokinen receives

additional time slots. Contrary to the Examiner's suggestion there is no indication in Jokinen that the 1st of the 4 time slots are not received. At col. 5, lines 33-35, Jokinen specifically indicates that the first two time slot of the four time slot PCH or BCCH are received. Jokinen does not disclose receiving portions of an incoming message in at least two successive intervals "... without receiving a portion of the incoming message in a first of the successive intervals..."

At col. 6, lines 49-68, Jokinen discloses establishing a threshold (based on SNR) for determining the likelihood that the message could be reconstructed from the bits in only 2 or 3 of the 4 time slots. At col. 6, lines 54-60, Jokinen discloses performing simulations on the 2nd and 3rd time slots of a 4 time slot message to obtain threshold SNR values for which satisfactory message reconstruction is achieved by decoding. In Jokinen, the threshold SNR value is stored on the mobile station for use in determining whether the message may be reconstructed using bits of 2 or 3 of the 4 time slots received. Contrary to the Examiner's assertion, the determination of the threshold SNR value based on simulations of the 2nd and 3rd time slots does not read on Claim 1. Jokinen does not attempt to decode the message using the 2nd and 3rd time slots without receiving the 1st time slot. Claim 19 is thus patentably distinguished over Jokinen.

Discussion of Claim 20

Regarding Claim 20, Jokinen fails to disclose in combination with Claim 19,

... the incoming message transmitted in a series of burst over consecutive time frames, the controller configured to receive bursts of

at least second and third consecutive time frames and to decode data of the burst of the second and third consecutive time frames.

At col. 6, lines 49-68, Jokinen discloses establishing a threshold (based on SNR) for determining the likelihood that the message could be reconstructed from the bits in only 2 or 3 of the 4 time slots. At col. 6, lines 54-60, Jokinen discloses performing simulations on the 2nd and 3rd time slots of a 4 time slot message to obtain threshold SNR values for which satisfactory message reconstruction is achieved by decoding. In Jokinen, the threshold SNR value is stored on the mobile station for use in determining whether the message may be reconstructed using bits of 2 or 3 of the 4 time slots received. Contrary to the Examiner's assertion, the determination of the threshold SNR value based on simulations of the 2nd and 3rd time slots does not read on Claim 1. Jokinen does not attempt to decode the message using the 2nd and 3rd time slots without receiving the 1st time slot. At col. 5, lines 33-35, Jokinen specifically indicates that the first two time slot of the four time slot PCH or BCCH are received. Claim 20 is patentably distinguished over Jokinen.

Discussion of Claim 21

Regarding Claim 21, Jokinen fails to disclose in combination with Claim 19,

... the incoming message comprises a series of burst over consecutive time frames, the controller configured to cause the receiver to receive bursts of at least third and fourth consecutive time frames and decode data of the burst of the third and fourth consecutive time frames.

At col. 6, lines 49-68, Jokinen discloses establishing a threshold (based on SNR) for determining the likelihood that the message could be re-

constructed from the bits in only 2 or 3 of the 4 time slots. At col. 6, lines 54-60, Jokinen discloses performing simulations on the 2nd and 3rd time slots of a 4 time slot message to obtain threshold SNR values for which satisfactory message reconstruction is achieved by decoding. In Jokinen, the threshold SNR value is stored on the mobile station for use in determining whether the message may be reconstructed using bits of 2 or 3 of the 4 time slots received. Contrary to the Examiner's assertion, the determination of the threshold SNR value based on simulations of the 2nd and 3rd time slots does not read on Claim 1. Jokinen does not attempt to decode the message using the 3rd and 4th time slots without receiving the 1st time slot. At col. 5, lines 33-35, Jokinen specifically indicates that the first two time slot of the four time slot PCH or BCCH are received. Claim 21 is patentably distinguished over Jokinen.

Prayer for Relief

In view of the discussion above, the Claims of the present application are in condition for allowance. Kindly remand the application with instructions to withdraw any rejections and objections and allow the application to issue as a United States Patent without further delay.

Respectfully submitted,

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CLAIMS APPENDIX

19. (Previously Presented) A mobile wireless communication device capable of receiving an incoming message transmitted in a series of portions over successive intervals, comprising:

a receiver;

a controller coupled to the receiver,

the controller configured to cause the receiver to receive portions of an incoming message in at least two successive intervals without receiving a portion of the incoming message in a first of the successive intervals;

the controller configured to decode the portions of the incoming message received.

20. (Previously Presented) The device of Claim 19, the incoming message transmitted in a series of burst over consecutive time frames, the controller configured to receive bursts of at least second and third consecutive time frames and to decode data of the burst of the second and third consecutive time frames.

21. (Previously Presented) The device of Claim 19, the incoming message comprises a series of burst over consecutive time frames, the controller configured to cause the receiver to receive bursts of at least third and fourth consecutive time frames and decode data of the burst of the third and fourth consecutive time frames.

22. (Previously Presented) The device of Claim 19, the controller configured to determine whether the decoded message is valid.

23. (Previously Presented) The device of Claim 19, the controller configured to cause the receiver to receive an additional portion of the incoming message in a successive interval if the decoded message is invalid.

CHEN
"Application Authentication In
Wireless Communication Networks"
Atty. Docket No. CS24550RL

Appl. No. 10/831,808
Confirm No. 1642
Examiner B. Kaplan
Art Unit 2109

EVIDENCE APPENDIX

(None)

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RELATED PROCEEDINGS APPENDIX

(None)